

# HOUSE . . . . . No. 4652

[LOCAL APPROVAL RECEIVED.]

## The Commonwealth of Massachusetts

PRESENTED BY:

**James E. Vallee, Karen E. Spilka**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to the Charter of the Town of Franklin.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James E. Vallee	10th Norfolk
Karen E. Spilka	Second Middlesex and Norfolk

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## An Act Relative to the Charter of the Town of Franklin.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

Section 1 Article Two, Section 1, Paragraph 2-1-4 of the home rule charter of the Town of Franklin, which is on file in the office of the archivist of the commonwealth as provided in Section 12 of Chapter 43B of the General Laws, is hereby amended by striking "first" and substituting "second".

Section 2 Said Article Two is further amended by striking existing paragraphs 2-3-1 and 2-3-2 of Section 3 and substituting a new combined paragraph as follows:

2-3-1 At the first council meeting following each regular Town election, the Council shall choose from its membership a Chairman, Vice-Chairman, and Clerk each to serve for a one-year term of office. The Council shall have the right to reorganize itself at any time during the year by a two-thirds vote of its membership to do so. The Chairman shall preside at meetings of the Council and perform such other duties as provided by this Charter, bylaw, or Council vote. The Vice-Chairman shall act as Chairman during the absence or disability of the Chairman. The Clerk shall see that proper notice of all council meetings is given to its members and to the public, that all votes of the council are recorded and that minutes of all council proceedings are kept and shall perform such other duties as may be assigned by this Charter, bylaw or other vote of the Council.

and by renumbering the existing paragraph 2-3-3 to 2-3-2.

Section 3 Said Article Two is further amended by striking "for a journal" in Paragraph 2-4-3 of Section 3 and substituting "minutes".

Section 4 Said Article Two is further amended by striking "twice" in Paragraph 2-5-1 of Section 5 and substituting "once", by striking "twenty-four (24)" in said paragraph and substituting "forty-eight (48)" before "hours" and by adding a comma and "except in case of an emergency" following "each Council member".

Section 5 Said Article Two is further amended by adding a comma and "resolution, or other action." following "any bylaw" in Paragraph 2-6-4 of Section 6 and by striking "journal" and substituting "minutes in Paragraph 2-6-5 of said section.

Section 6 Article Three of said Charter is hereby amended by adding "concurrent" before "terms of two years" in Clause b of Paragraph 3-1-1 of Section 1.

Section 7 Said Article Three is further amended by striking existing Paragraph 3-1-2 of Section 1 and substituting a new paragraph as follows:

3-1-2 Officers of the Town to be elected at large for a four-year term of office shall be: (a) Town Clerk and (b) three Constables.

Section 8 Said Article Three is further amended by striking "Town Treasurer-Collector" in Section 3-3-2 of Section 3.

Section 9 Article Four of said Charter is hereby amended by adding "executive and" following "chief" and before "administrative officer" in Paragraph 4-2-1 of Section 2.

Section 10 Said Article Four is further amended striking the existing Paragraph 4-2-2 of Section 2 and substituting a new paragraph as follows:

4-2-2 The Administrator shall hold no elective or other appointive Town office, but may be appointed by the Council to serve on committees, both standing and ad hoc; the Administrator shall devote full-time to the duties of the office and shall engage in no other business or occupation without the advance written authorization of the Council.

Section 11 Said Article Four is further amended by striking existing clauses (g) and (h) of Paragraph 4-2-3 of Section 2 and substituting new clauses as follows:

(g) be responsible for all aspects of the personnel system, (h) serve as chief procurement officer;

Section 12 Said Article Four is further amended by striking existing Paragraph 4-2-5 of Section 2 and substituting a new paragraph as follows:

4-2-5 Subject to ratification by the Town Council, the Administrator shall have the power to appoint; on the basis of merit and fitness alone: (a) a Fire Chief, a Police Chief, a Director of Public Works, a Town Comptroller, a Town Attorney, a Library Director, and three (3) registrars of voters; (b) five (5) members of a Board of Library Trustees, nine (9) members of a Council on Aging, seven (7) members of a Conservation Commission, seven (7) members of an Historic Commission and three (3) members of a Zoning Board of Appeals, all for three-year overlapping terms of office; (c) four (4) members of a Housing Authority, all for five-year overlapping terms of office with the fifth member to be appointed under the authority of the Commonwealth; and (d) members of such other boards, commissions and committees as are authorized by general law, this Charter or bylaw and for whom appointment is not otherwise provided.

Section 13 Said Article Four is further amended by adding a new Paragraph 4-2-6 to Section 2 as follows:

4-2-6 Subject to ratification by the Town Council, the Town Administrator shall also appoint, on the basis of merit and fitness alone, a Treasurer-Collector.

87 Section 14 Said Article Four is further amended by striking existing Paragraph 4-4-1 of Section  
88 4 and substituting new paragraphs as follows:

89  
90 4-4-1 The Town Administrator may designate a qualified person to serve as  
91 Acting Town Administrator and to perform the duties of the office for up to 21  
92 days on account of the Town Administrator's temporary absence or unavailability.

93  
94 4-4-2 The Town Council may designate a qualified person to serve as Acting  
95 Town Administrator and to perform the duties of the office during the period of  
96 any vacancy caused by the Administrator's absence, or unavailability for more  
97 than 21 days, or his illness, suspension, removal or resignation. The  
98 appointment shall be for a period not to exceed one hundred eighty (180) days,  
99 but such appointment may be extended for two (2) additional ninety (90) day  
100 periods by vote of the Council.

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102 Section 15 Article Six of said Charter is amended by striking "eleven" and substituting "nine"  
103 before "members", and by striking "one" and substituting "staggered three" before "year" in the  
104 first sentence of Paragraph 6-2-1 of Section 2, and by striking "Town Accountant" and  
105 substituting "Town Comptroller" in the third sentence of said paragraph.

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107 Section 16 Article Six of said Charter is further amended by striking existing Paragraph 6-2-2 of  
108 Section 2 and substituting a new paragraph:

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110 6-2-2 For its initial appointment of a Finance Committee, the Town Council shall  
111 appoint three members for a three-year term, three members for a two-year term,  
112 and three members for a one-year term; thereafter, the Town Council shall  
113 annually appoint three members for a three-year term. Vacancies on the  
114 Finance Committee shall be filled promptly by the Council for the unexpired term.

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116 Section 17 Said Article Six is further amended by striking "Committee" and substituting  
117 "Department" and by adding a period after "deems desirable" and striking "or the Finance  
118 Committee may require" in Paragraph 6-5-1 of Section 5.

Section 18 Said Article Six is further amended by striking "(a)" by striking "agency" and substituting "department", and by placing a period after "financing methods" and striking the balance of the sentence in Paragraph 6-5-2 of Section 5.

Section 19 Said Article Six is further amended by adding "Town Administrator's" before "proposed budget" in the first sentence of Paragraph 6-6-1 of Section 6.

Section 20 Said Article Six is further amended by striking "within the period provided by general law," and by striking "six (6)" and substituting "five (5)" in the two places where it appears in Paragraph 6-7-1 of Section 7.

Section 21 Article Seven of said Charter is amended by striking "a journal" and substituting "minutes" in Paragraph 7-4-1 of Section 4.

Section 22 Said Article Seven is amended by striking existing Section 7 and its Paragraphs 7-7-1 through 7-7-5 in their entirety.

Section 23 Article Eight of said Charter is amended by striking existing Section 1 and Paragraph 8-1-1 in its entirety and by renumbering the remaining sections and paragraphs.

Section 24 The incumbent holding the office of Treasurer-Collector upon the effective date of this act shall retain his office and continue to serve until the expiration of his elected term of office or his resignation, whichever occurs first, but this position shall thereafter be filled by appointment as provided in Article Four, Section 2, Paragraph 4-2-6.

Section 25 The state secretary shall cause the following two questions to be placed on the official ballot to be used in the Town of Franklin at the biennial state election to be held on November 2, 2010:

1. Shall an act passed by the General Court in the year 2010 entitled "An Act Relative to the Charter of the Town of Franklin" be accepted?

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153           2. Shall the Town Treasurer-Collector be appointed, as provided in Sections 7,  
154           8, 13, and 24 of said act, rather than elected?

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156 followed by the summaries required by Section 58A of Chapter 54 of the General Laws, which  
157 the Town Attorney shall ensure that the state secretary receives not later than September 3,  
158 2010.

159

160 Section 26 Sections 25 and 26 of this act shall take effect upon its passage. Sections 1  
161 through 6, 9 through 12, and 14 through 23, inclusive, shall take effect upon acceptance by a  
162 majority of the voters of the Town voting in the affirmative on the first ballot question specified in  
163 Section 25, but not otherwise. Sections 7, 8, 13, and 24 shall take effect upon acceptance by a  
164 majority of the voters of the Town voting in the affirmative on the second ballot question  
165 specified in Section 25, but not otherwise.